

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
EVANSVILLE DIVISION**

VIOLETA BARRUETA-HOWARD,      )  
  )  
Plaintiff,                         )  
  )  
v.                                    )      CAUSE NO: 3:21-cv-153  
  )  
PEOPLES BANCSHARES CORP.        )  
d/b/a PEOPLES TRUST & SAVINGS )  
BANK,                                )  
                                      )  
Defendant.                         )

**COMPLAINT AND DEMAND FOR JURY TRIAL**

**I. NATURE OF THE CASE**

1. This is an action brought by Plaintiff, Violeta Barrueta-Howard (“Barrueta”), by counsel, against Defendant, Peoples Bancshares Corp., d/b/a Peoples Trust & Savings Bank, (“Defendant”), for violating Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et. seq.* as amended by the Pregnancy Discrimination Act.

**II. PARTIES**

2. Barrueta is a resident of the United States and the State of Indiana.  
3. Defendant is a corporation that maintains offices and conducts business in the Southern District of Indiana.

**III. JURISDICTION AND VENUE**

4. Jurisdiction is conferred on this Court over the subject matter of this litigation pursuant to 28 U.S.C. §1331 and 42 U.S.C. §2000e-5(f)(3).

5. Defendant is an "employer" as that term is defined 42 U.S.C. §2000e(b).
6. At all times relevant to this action, Barrueta was an "employee" as that term is defined by 42 U.S.C. §2000e(f).

7. Barrueta exhausted her administrative remedies by timely filing a Charge of Discrimination against Defendant with the Equal Employment Opportunity Commission and files this complaint within ninety (90) days of receipt of her Notice of Right to Sue.

8. A substantial part of the events, transactions, and occurrences concerning this case arose in the geographical environs of the Southern District of Indiana; therefore, venue is proper in this Court.

#### **IV. FACTUAL ALLEGATIONS**

9. Barrueta, who is a Hispanic female, was hired by the Defendant on December 6, 2017 and held the position of Customer Service Representative ("CSR") upon her constructive discharge on February 4, 2021.

10. At all times relevant, Barrueta met or exceeded Defendant's legitimate performance expectations.

11. Barrueta was the only Latina - and only minority - employed by the Defendant at any Branch location.

12. In or about July 2019, Defendant hired a Caucasian male, Aaron Garrison ("Garrison"), who Barrueta helped train when their supervisor, Kyler McReynolds, was

unavailable. Garrison was hired into a position and believed to be earning a salary more than Barrueta who had worked for the Defendant for years.

13. Additionally, after six months Garrison was given total access to the Bank's system while Barrueta, who had asked for the same access for years, had not been given such access.

14. Furthermore, in addition to Garrison, Defendant hired two more Tellers in the same time frame: Aaron Donnell ("Donnell"), a Caucasian male, who was started at \$15 per hour despite being in a lower position than Barrueta, and Amanda Reed ("Reed"), who informed Barrueta that she is paid less than her two male counter-parts for the same position.

15. Barrueta received a raise from \$14.10 to \$14.60 after her performance review in December 2020. Barrueta was given this raise after engaging in a protected activity by confronting her manager, David Burke ("Burke"), about the discriminatory and unfair pay between her and Donnell in February 2020. Finally, upon information and belief, Burke forced the Defendant to make Barrueta a CSR.

16. During the same time frame, Barrueta applied for one of the two Loan Processor positions that had come open. One of the positions was awarded to an employee with 20 years of experience; however, the other was awarded to a Caucasian female with no experience, Pressley Carwile.

17. Next, throughout 2019 and 2020, Barrueta went through CSR training – training that Donnell refused to take. Barrueta was the only employee in all three of the

Defendant's Branches that was able to perform all duties – i.e. she has been performing as a "Universal Banker." Defendant announced that it was opening a new Branch in Evansville, Indiana in April 2021 and it was hiring three (3) people for Universal Banker positions. Barrueta applied for the open positions. Despite her experience and training, the positions were given to Donnell, Emily Kulas (a Caucasian female who had only worked for the Bank for 6 months), and Megan Patton (a Caucasian female who has worked only part-time for the bank). None of the three are CSRs. Importantly, Barrueta informed the Defendant that she was pregnant in or about November 2020. Also, Ms. Reed was denied a Universal Banker position and she had informed the Respondent that she was pregnant in or about November 2020.

18. Barrueta found out that she was not getting one of the positions on January 21, 2021 and complained to Burke about discriminatory treatment. Burke responded that she should have been selected for one of the positions. Moreover, Burke informed Barrueta that he tried to get her the same position with concomitant pay at the Paradise Branch and was told no by Steve Bennett, Defendant's President. As a result of the continued discriminatory treatment, discriminatory pay, and seeing that any advancement of her career was going to be denied, Barrueta had no choice and submitted her resignation with two weeks of notice. Her last day of work was February 4, 2021.

## V. LEGAL ALLEGATIONS

### COUNT I - RACE/SEX/PREGNANCY DISCRIMINATION

19. Paragraphs one (1) through eighteen (18) of Barrueta's Complaint are hereby incorporated.

20. Defendant violated Barrueta's rights and discriminated against her based on her sex, race and/or pregnancy by subjecting her to disparate treatment, subjecting her to differing terms and conditions of employment, denying her promotions, and constructively discharging her.

21. Defendant's actions were intentional, willful and in reckless disregard of Barrueta's rights as protected by Title VII and the Pregnancy Discrimination Act.

22. Barrueta has suffered and continues to suffer harm as a result of Defendant's unlawful actions.

**COUNT II -RETALIATION**

23. Paragraphs one (1) through twenty-two (22) of Barrueta's Complaint are hereby incorporated.

24. Defendant violated Barrueta's rights by retaliating against her for engaging in a protected activity.

25. Defendant's actions were intentional, willful and in reckless disregard of Barrueta's rights as protected by Title VII.

26. Barrueta has suffered and continues to suffer harm as a result of Defendant's unlawful actions.

**VI. REQUESTED RELIEF**

WHEREFORE, Plaintiff, Violeta Barrueta-Howard by counsel, respectfully requests that this Court find for Plaintiff and:

1. Reinstate Plaintiff to the position, salary and seniority level she would have enjoyed but for Defendant's unlawful employment actions, or award her front pay in lieu thereof;
2. Pay Plaintiff's lost wages and benefits;
3. Pay to Plaintiff compensatory damages, damages for emotional distress and payment of uncovered medical bills and/or insurance premiums;
4. Pay to Plaintiff punitive damages;
5. Pay to Plaintiff pre- and post-judgment interest;
6. Pay Plaintiff's costs and attorney fees incurred in litigating this action; and,
7. Provide any further equitable relief this Court sees fit to grant.

Respectfully submitted

/s/ Lauren E. Berger

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**DEMAND FOR JURY TRIAL**

The Plaintiff, Violeta Barrueta-Howard, by counsel, respectfully requests a jury trial for all issues deemed triable by jury.

Respectfully submitted,

/s/ Lauren E. Berger

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